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ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - BERGEN COUNTY
DOCKET NO. C-295-96

DEBORAH T. PORITZ, ATTORNEY GENERAL)	
and BOARD OF PSYCHOLOGICAL EXAMINERS)	
Plaintiffs,)	<u>Civil Action</u>
)	
v.)	AFFIDAVIT IN SUPPORT OF
)	VERIFIED COMPLAINT
CARL H. LICHTMAN, Ed.D.,)	AND ORDER TO SHOW CAUSE
Defendant.)	

JOAN D. GELBER, of full age, being duly sworn, according to law upon oath deposes and says:

1. I am a Deputy Attorney General within the Department of Law and Public Safety, Division of Law, and as such am responsible for the handling of the above matter.

2. Defendant Carl H. Lichtman, Ed.D. was, at all times pertinent to the within Complaint, a psychologist initially holding a valid license to practice psychology issued by the State Board of Psychological Examiners, which license was suspended by the Board on October 16, 1995. Defendant had formerly maintained a professional office at 65 North Maple Avenue, Ridgewood, New Jersey and maintained an office in his home at 110 Madison Place, Ridgewood, New Jersey.

3. On October 5, 1996 I filed a Verified Complaint before the State Board of Psychological Examiners alleging, among other charges, massive insurance fraud by defendant Lichtman by, among other things, submitting claims to insurance carriers for psychological services purportedly rendered over an extended period of time when no such services had in fact been rendered. On October 16, 1996 the Board conducted a hearing on

the Order to Show Cause why defendant Lichtman's license to practice psychology should not be emergently suspended pending final disposition of the charges. Dr. Lichtman was represented by counsel Richard F. Arohnson, Esq., of Arohnson and Weiner.

4. On October 16, 1996, Dr. Lichtman and his attorney signed a Consent Order by which Dr. Lichtman's license was emergently and fully suspended pending final disposition of the administrative charges. Defendant surrendered the license October 18, 1996.

5. The Board Order required that Dr. Lichtman make immediate transfer of his current patients and notify the Board of each such patient (identified by initials only) and the referral.

6. On October 25, 1995 defendant Dr. Lichtman wrote to this Deputy and to the Board purporting to comply with the Board Order. Defendant provided a list of 12 persons identified by initials and describing them as his patients.

7. On May 28, 1996, at a proceeding in open court before the Hon. Sybil R. Moses, J.S.C., defendant Carl H. Lichtman, Ed.D., entered a plea of guilty to an 11-page two-Count Criminal Accusation, Docket No. A-707-96, Docket 96-05-707-A, charging him with second degree conspiracy and with second degree theft by deception. The overt acts included, among other things, submission by defendant of large numbers of claims to insurance carriers seeking payment for extensive psychological services which, in fact, were never rendered. Defendant signed a Waiver of Indictment and Trial by Jury, which was accepted by the Judge. At the same hearing, the terms of settlement of the administrative charges before the Board were placed upon the record. Dr. Lichtman was accompanied by Brian Neary, Esq., representing him in the criminal matter, and by Richard Weiner, Esq., representing him in the administrative matter. Judge Moses accepted the factual bases for the criminal plea and ordered that sentencing be scheduled.

8. On May 29, 1996 the Final Order resolving the Administrative charges was filed by the State Board of Psychological Examiners.

9. Thereafter on the same day, May 29, 1996, I was informed by a former patient that, during a 7-month period including September 19, 1995

through April 23, 1996, defendant Dr. Lichtman had, in fact, been engaging in professional practice, including for the 6 months following the suspension of his license on October 16, 1995.

10. Immediate investigation was commenced, resulting in the acquisition of affidavits from two persons, B.Q. and J.Q., who allege that defendant provided to them psychotherapy services and that they paid defendant for said services, and that at no time did he inform them that his license had been suspended; they produced cancelled checks manifesting their payments totalling \$1900 to defendant Lichtman during the period September 19, 1995 through April 23, 1996 and the endorsement indicating deposit into Dr. Lichtman's bank account.

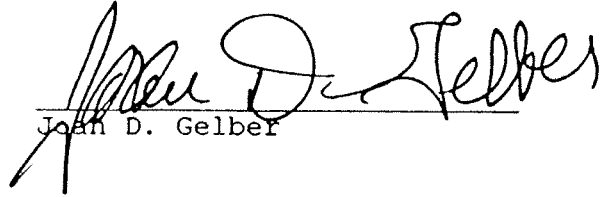
11. Neither of the names B.Q. nor J.Q. was disclosed by defendant on his October 25, 1995 letter to the Board and to the Attorney General.

12. Additional information has been received from other patients who presented accounts similar to that set forth in paragraph 11. Evidence from 9 patients treated after the license suspension date, several of whom had not even been listed by defendant in his patient roster previously submitted to the Board, is currently in hand. Each patient reports that defendant had not notified the patient of the suspension. Some patients report being called by defendant announcing in mid-October 1995 stating that he had decided to "close" his practice, with such call followed by another a few days later announcing that he had decided to continue his practice, but out of his home office where each patient now paid by check or cash.

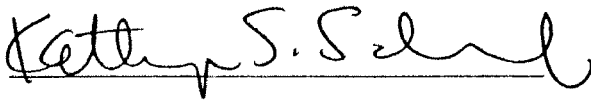
13. The above allegations, if true, are believed to constitute misrepresentation and deception to the Board regarding defendant's patient caseload as of the date of suspension. In addition, defendant's continuation of professional services after October 16, 1995, if true, is believed to constitute engagement in the unlicensed practice of psychology and also violation of the Consumer Fraud Act.

Affiant, on behalf of the Attorney General and the State Board of Psychological Examiners, respectfully requests that plaintiffs' application for preliminary restraints and for an Order to Show Cause why defendant should not be permanently enjoined from further practice of

psychology in this State and from further violation of the Consumer Fraud Act, and be assessed penalties, costs and reimbursement to consumers for said offenses, be granted.


Joan D. Gelber

Sworn and subscribed to
before me this 24th day
of June, 1996.



Kathryn S. Schwed
Attorney at law of the
State of New Jersey